

Hi Steve,

Here is Dave's response to the Hg Group's request for clarification on Mercury Variance review procedures. Please share and maybe we can respond to emailed questions or further clarify in our April 9th workgroup call.

Regards,

Morris

----- Forwarded by Morris Beaton/R5/USEPA/US on 03/12/03 09:31 AM -----

David Pfeifer

03/12/03 09:19 AM To: Morris Beaton/R5/USEPA/US@EPA
Subject: Variance review timeline

See attached. States can expedite our review significantly by requesting a species list from USFWS, identify (preferably on a map) the nearest listed species and estimate the increased risk to the nearest listed species based on the variance.

(See attached file: variance review timeline.wpd)(See attached file: variance review timeline.doc)

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ATTACHMENT IS AS FOLLOWS:
EPA's timeline for review and approval of variances

<u>Day</u>	<u>Activity</u>
0	Receipt of approved variance from State. Variance is logged in and assigned to a WQS reviewer.
7	Region 5 WQS reviewer makes preliminary determination as to whether or not the variance meets at least one of the conditions specified at 40 CFR 131.10 (and all of the requirements of 40 CFR 132, appendix F, procedure 2 if the discharge is within the Great Lakes basin). If the variance does satisfy at least one of these conditions, proceed to Section 7 ESA

consultation with USFWS. If the variance does not satisfy the requirements of 40 CFR 131 and/or 132, recommend disapproval. If recommending disapproval, brief WQ BC. Notify State of likely disapproval following management briefing. Discuss issues with State to determine if additional information can be generated to better support the State's decision to issue the variance or if the variance can be modified to meet the requirements of 40 CFR 131 and/or 132. If not EPA must issue disapproval letter within 90 days of receipt of the variance.

- 7 Request species list from USFWS (if required)
- 14 Receive species list, identify listed species and critical habitat within the area affected by the variance. If none are present, document "no effect" conclusion to file and proceed with review of variance. If listed species are present in the affected area, prepare biological evaluation (BE) of variance.
- 21 Submit BE to USFWS
- 50 Prepare approval letter and documentation. Prepare 7(d) memorandum for file if USFWS has not responded to BE.
- 60 Issue approval letter
- 90 Issue disapproval letter